

# Constitution Unit

## Monitor 81 / July 2022



### Johnson falls; what's next for the constitution?

The preoccupying question in UK politics over recent months increasingly became when – [rather than whether](#) – the Prime Minister would be forced from office. In April, [Boris Johnson was fined](#) for breaching restrictions on social gatherings during lockdown, and the Commons [referred him to its Privileges Committee](#) for allegedly misleading parliament (see page 5). In May, the Conservatives [suffered steep losses](#) in the local elections (see page 8), and Sue Gray's [official report](#) into 'partygate' was finally published, concluding that the 'senior leadership at the centre, both political and official, must bear responsibility' for the culture of disregard for the rules that had emerged (see page 10). In June, Johnson [survived a vote of no confidence](#) among his MPs (see page 14) and the loss of two parliamentary by-elections, followed by the [resignation](#) of the Conservative Party Co-Chair, Oliver Dowden (see page 8). But the resignation of Deputy Chief Whip Chris Pincher in early July, and [Number 10's bungled reaction](#) to it, finally brought the Prime Minister down (see page 10).

While Johnson's personal misconduct and dishonesty were the immediate triggers for his fall, there had long been disquiet over more systemic manifestations of his disregard for rules and norms of fair play.

[Boris Johnson announces his resignation \(CC BY-NC-ND 2.0\) by HM Treasury.](#)

The former minister Jesse Norman, for example, in a [letter](#) withdrawing his support, said the Prime Minister was seeking to govern in a way 'that is entirely foreign to our constitution and law'. Even in the nature of his departure, Johnson sought to defy the logic of the UK's parliamentary system: claiming a [personal mandate](#) more akin to that in a presidential system, seeking to stay put when ministerial resignations showed that his government had all but collapsed, and causing [concern](#) that he might seek to appeal to the public over the heads of his MPs by demanding a general election. Perhaps his departure [ultimately showed the robustness of the constitution](#), but his behaviour certainly put the system under significant strain.

In the months before Johnson's resignation, his government's actions had continued to imperil the rule of law. Few legal experts found [ministers' defence](#) of the legality of the [Northern Ireland Protocol Bill](#) credible (see page 16). The [Bill of Rights Bill](#), which seeks to replace the Human Rights Act, has been [heavily criticised](#) by legal experts – including [former Supreme Court President Baroness \(Brenda\) Hale of Richmond](#) – on numerous grounds (see page 12). A policy of deporting selected asylum seekers to Rwanda was seen even by [some commentators on the right](#) as having been designed more to provoke a fight with lawyers than to solve the underlying problem.

Meanwhile, parliament continued to be sidelined. The [Dissolution and Calling of Parliament Act](#), which became law in March (see page 7), removed the requirement

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for parliamentary approval if the Prime Minister wants an early general election – generating the controversy above about Johnson seeking to circumvent his removal. Multiple bills before parliament – including the Northern Ireland Protocol Bill (see page 16) and [Online Safety Bill](#) (see page 9) – contain significant new powers for ministers to act without detailed scrutiny. The [promised 'Brexit Freedoms Bill'](#) (see page 4) threatens to do the same. Parliamentary oversight has been avoided on several international agreements (see page 3). Multiple concerns have been expressed about the government's treatment of select committees (see page 3).

Independent regulators have also faced ongoing pressures. The [Elections Act](#), passed in April, limits the independence of the Electoral Commission (see page 9). Parts of the Online Safety Bill would have [similar effects on Ofcom](#) (see page 9). [Changes to the Ministerial Code](#) (see page 11) implemented previous recommendations selectively – adopting those that solidified the Prime Minister's freedom of manoeuvre, but setting aside those that would have limited it. The Independent Adviser on Ministers' Interests [resigned](#), apparently after being asked to provide a fig leaf for further law-breaking.

As several recent issues of *Monitor* – and the first in a [new series of Constitution Unit briefings](#) – have tracked, the Johnson government has sought to strengthen the executive at the expense of long-standing checks and balances. It has done so in pursuit of policy delivery. But strong checks and balances are essential to ensure that policy proposals are effectively thought through, diverse voices to be heard, and vulnerable minorities to be protected. The patterns seen in the UK in recent times closely fit the internationally recognised symptoms of [democratic backsliding](#). As democratic nations seek to overcome [Russia's vicious autocratic attack on Ukraine](#), they must also keep their own houses scrupulously in order.

Beyond Westminster, battles over the future of the Union continue. In June the Supreme Court was [asked](#) to rule on whether the Scottish Parliament can call an independence referendum without Westminster's consent – the SNP is promising a vote in October 2023 if it says yes, and otherwise to treat the next general election as a de facto referendum. In May, [Sinn Féin topped the poll](#) in a Northern Ireland Assembly election for the first time. That entitles it to the position of First Minister, but the Democratic Unionist Party have [blocked the creation of a new Executive](#), and the future of power-sharing teeters in the balance (see page 15, and a new [Unit report](#) by Alan Whysall).

Meanwhile, some reforms outside Westminster have occurred. Strengthened arrangements for coordination among the governments in the UK, agreed in January, have been implemented (see page 14). In Wales, Labour and Plaid Cymru [agreed a package of reforms](#) that should see a much needed expansion in the size of the Senedd – though at the expense of a new voting system that will please only the Labour machine (see page 18). In Scotland, the government [made progress](#) towards implementing its pledge to build more public deliberation into the democratic process.

The Unit's well-attended conference in June on the State of the Constitution explored many of these themes. The five panels – on constitutional standards, the Union, Northern Ireland, the role of the courts, and parliament – and the [keynote address](#) by former Conservative MP Rory Stewart – are now available as [videos](#) and [podcasts](#) (see page 21).

This edition of *Monitor* is published as Rishi Sunak and Liz Truss campaign to become Conservative Party leader and Prime Minister. All candidates in the contest [acknowledged](#) that trust in the government will need to be restored. Our ongoing research into public attitudes towards the functioning of democracy in the UK – including the [findings of the Citizens' Assembly on Democracy in the UK](#), published in April – show that people care deeply about honesty and integrity among their elected representatives and are distrustful of power concentrated in the hands of ministers. The Unit has set out [five key questions](#) for the candidates – on constitutional standards, parliamentary scrutiny, the rule of law, protection of norms and checks and balances – which they must answer if trust is to be restored, and our democracy put back on track.

## Parliament



### Select committees and scrutiny of government

The tensions between parliament and the executive reported in [Monitor 80](#) (pages 2–3) continued in the most recent period, with several committees criticising aspects of the government's approach. Bernard Jenkin, Chair of the Commons Liaison Committee – which is comprised of select committee chairs – twice wrote letters to ministers in recent months expressing

concerns about government's treatment of select committees: [first](#), about multiple failures to respond to select committee reports within the two-month target period (one of which is four years overdue); [second](#), about failures to provide either the information or the time needed to support select committee scrutiny.

Similar themes emerged in other clashes between select committees and the executive. In late May Cabinet Secretary Simon Case was [withdrawn](#) from an evidence session with the Commons Public Administration and Constitutional Affairs Committee (PACAC) at short notice; the committee had been expected to question him on the Greensill affair and Downing Street parties (see page 10), among other topics. Case ultimately [appeared](#) a month later. Following the Queen's Speech, the chairs of PACAC, the Joint Committee on Human Rights, the Commons Justice Committee and the Lords Constitution Committee [wrote](#) to Justice Secretary Dominic Raab to urge the government to put the proposed Bill of Rights through pre-legislative scrutiny, which it declined to do. Following the fall of Boris Johnson, Raab himself [postponed](#) a planned appearance before the Joint Committee from July until the autumn. Home Secretary Priti Patel also [pulled out](#) of a planned evidence session before the Commons Home Affairs Committee at just a day's notice, citing the crisis in government caused by mass resignations of her colleagues (see page 10) as her justification. Business Secretary Kwasi Kwarteng similarly [failed to attend](#) a session of the Commons Environmental Audit Committee: the committee stated that neither apology nor explanation was provided for his absence. Whether these matters will get back on track under the new Prime Minister remains to be seen.

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## Parliamentary scrutiny of international agreements

An [exchange of letters](#) in May between the government and the Lords International Agreements Committee set out the UK's first government–parliament agreement on treaty scrutiny. It is limited as it merely consolidates previous government commitments on scrutiny of Free Trade Agreements (FTAs). Although it fell short of implementing all of the committee's previous [recommendations](#), it represents an important shared understanding and is a public commitment to which the government can be held.

Yet there have also been problems. The Commons International Trade Committee strongly [criticised](#)

arrangements for scrutinising the UK–Australia FTA, drawing on the agreement on treaty scrutiny as it did so. The government's failure to allow time for parliament to debate and vote on the FTA was further criticised on all sides during a [debate on an urgent question](#). And Lord Lisvane (Robert Rogers), a former Clerk of the Commons, [described](#) the government's behaviour as demonstrating 'how not to engage with parliament'.

Meanwhile, April's controversial [Memorandum of Understanding](#) (MoU) to transfer asylum seekers from the UK to Rwanda for decisions on resettlement or removal, received no parliamentary scrutiny because it was not a formal treaty. The government [said](#) that an MoU format was chosen to allow changes to be made easily, but it also means that the arrangement cannot be enforced under international law. This issue – which was central to the [court cases](#) on halting transfers under the MoU – raises serious questions about what will happen if Rwanda does not follow through on its assurances, such as the commitment to protect deportees from inhuman and degrading treatment.



[Foreign Secretary Liz Truss signs documents agreeing to admit Sweden and Finland to NATO \(CC BY-NC-ND 2.0\) by UK Government.](#)

The [UK–Finland](#) and [UK–Sweden](#) defence and security statements were also signed in May [without parliamentary scrutiny](#). They pledged UK assistance in the event of an attack on either country by Russia. Each was described as 'a political declaration and not a legally binding commitment under international law'. The government was [pressed](#) on their format and status, but even if they [arguably had no legal effect](#), the lack of scrutiny does not augur well for a transparent and predictable approach to international commitments. The July [Protocols](#) on both States' accession to NATO were laid before parliament with [statements](#) excluding them from parliamentary scrutiny on urgency grounds.

## The Brexit Freedoms Bill

The so-called ‘Brexit Freedoms Bill’ was [announced](#) by the government in May during the Queen’s Speech, but no bill had been published by the time parliament commenced its summer recess. The imminent change of Prime Minister might lead to additional delay once the Commons returns in September. It seems likely that the next occupant of Downing Street will choose to proceed with the bill, given the [prominent role](#) cutting regulation has played in the Conservative leadership contest so far (see page 13).

While the bill has not yet been published, its broad intention is clear: to make [retained EU law](#) easier to amend. Progress is being made behind the scenes. The Cabinet Office launched a [retained EU law dashboard](#) – a new online tool to track the development of this body of law – in June. Expectations of what is likely to be in the bill are also beginning to crystallise. It is expected that the supremacy of retained EU law will be ended, and new, expansive delegated powers will be granted to ministers to empower them to amend it. Furthermore, the aim appears not merely to provide government departments with the option of reforming retained EU law but, instead, to force them to into action. As such, there is speculation about the timeframes and deadlines that may be included within the bill.

The Commons European Scrutiny Committee – which has recently suffered from ‘[a collapse in full cross-party working](#)’ – published its report, [Retained EU Law: Where next?](#), on 21 July. The committee generally supported the review of retained EU Law, but it also recognised that the government’s task of reviewing and changing this body of law is ‘immense’. It made various recommendations about how the process ought to run, including: that any wide amending powers should be carefully drawn and clearly conditioned; that the bill should include a ‘[sunset](#)’ [provision](#) with an ambitious timeframe after which all retained EU law will be repealed; and that there should be consultation at appropriate points within parliament and with senior members of the judiciary.

## Record number of Lords defeats

Boris Johnson’s last full parliamentary session as Prime Minister was marked by an unprecedentedly high number of [government defeats in the House of Lords](#). These totalled 128, across 16 bills and three motions. This exceeded the 114 defeats in the two-year 2019–21

session, and far exceeded every other session under the Conservatives since 2010 (the highest being 62 in 2017–19, under Theresa May). In the Blair–Brown era the highest annual figure was 88 (in 2002–03), and the [highest previous figure on record](#) was 126 in 1974–75.

This predictably generated some anger on the Conservative side, including [claims](#) that peers had ‘overreached themselves’, and were acting as a ‘house of opposition’. But the reasons behind these tensions [were complex](#), and driven at least as much by changes on the part of government as by the Lords itself. Notably, the [Police, Crime, Sentencing and Courts Bill](#) suffered 25 defeats in total, and 14 in a single day – the largest number on any sitting day since 1999. But this stemmed from the government’s attempt to insert significant new material at Lords report stage, including new criminal offences which, if accepted, the Commons would have had no opportunity to debate. The largest overall number of defeats – 38 – was on the [Nationality and Borders Bill](#). In all, 15 of these occurred during ping pong, with peers seeking to insist on previous proposals that the government had dismissed. The great majority of defeats (89 of 128) included rebels on the Conservative side. Hence controversial, and sometimes ill-prepared, legislation, plus splits on the Conservative benches and unusual obduracy by ministers in the face of peers’ proposals all played a significant part in these record-breaking developments.

## Changes to parliamentary standards rules

The Commons Committee on Standards published its [final report](#) on proposed revisions to the [MPs’ Code of Conduct](#) on 24 May. The committee called for a tightening of lobbying rules, a total ban on MPs providing paid advice on parliament, greater transparency relating to MPs’ outside interests, and a harmonisation of the declaration rules for ministers and backbenchers. The report accepted the recommendations of the [Ryder review](#) (see [Monitor 80](#), page 4), including the creation of a formal appeals system for MPs. It also called for a yearly standards debate in the Commons to facilitate ongoing revisions to the Code.

The committee also [called](#) for new rules on all-party parliamentary groups (APPGs). Its initial report – which is currently being consulted on – set out a number of options for reform, such as banning external secretariats, limiting the number of groups that an MP can chair, and creating a ‘gatekeeper’ to approve new groups.

The Lords Conduct Committee has also [recommended amendments to its Code of Conduct](#), including a simple measure aimed at protecting peers' freedom of speech. After [a complaint](#) was lodged in relation to statements made during a parliamentary debate on trans prisoners, [concerns were expressed](#) that allowing the Commissioner for Standards to investigate such complaints was an affront to parliamentary privilege and would have a chilling effect on how members speak in debates. The committee recommended that the Code be amended to make clear that statements made in the chamber could not alone form the basis of a complaint.

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## Party leaders investigated over ethical conduct

The Commons passed [a Labour motion](#) on 21 April that referred Boris Johnson to the Commons Committee of Privileges due to allegations that he knowingly misled parliament over partygate. Conservative whips initially sought to amend the motion to force a delay. But, finding they could not sustain support for Johnson on their own benches, they [dropped the amendment](#) to allow a free vote. The motion then passed without any opposition.



[Harriet Harman \(CC BY 2.0\) by University of Salford.](#)

The inquiry will be chaired by Harriet Harman, who was elected to the role after the committee's chair, Chris Bryant, [recused himself](#), having publicly commented on the Downing Street parties prior to the referral. The committee established the inquiry's processes in a [report](#) published on 21 July. This confirmed that Boris Johnson will give oral evidence on oath and that the standard of proof for the inquiry's factual conclusions is the balance of probabilities, rather than the higher threshold of 'beyond reasonable doubt' used in criminal courts.

The investigation continues, notwithstanding the Prime Minister's resignation, and could result in sanctions

against Johnson as an MP. For technical reasons, there was initially some uncertainty as to whether the law requiring a [recall petition](#) to be opened if an MP is suspended from the Commons for more than 10 sitting days (or 14 calendar days) would apply in this case. But Commons Speaker Lindsay Hoyle [confirmed](#) in July that it would. Were such a petition supported by 10% of the electorate in his Uxbridge and South Ruislip constituency, a by-election would result. Johnson would be able to stand as a candidate, as Chris Davies did – [unsuccessfully](#) – in 2019.

Concerns about the inquiry's likely conclusions, which will follow sometime after the parliamentary summer recess, no doubt fed disquiet on the Conservative benches, contributing indirectly to Johnson's downfall.

Labour leader Keir Starmer is also currently [under investigation](#) – by the Parliamentary Commissioner for Standards – due to allegations relating to the timely declaration of gifts and earnings.

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## Sexual misconduct in parliament

The *Times* [reported in April](#) that a worryingly high proportion of MPs – 56 out of 650 – were at that time being investigated for sexual misconduct. A group of staff members working for Conservative MPs [wrote to the Prime Minister](#) a month later to express concern about what they described as the 'toleration and acceptance of abuse' and a 'culture of indifference and fear'.

A matter of weeks after receiving that letter, the Prime Minister resigned as a consequence of his handling of claims of sexual misconduct against a member of the government (see page 10). Deputy Chief Whip Chris Pincher [resigned from the government](#) on 30 June following an alleged incident at a private club the previous evening. Fresh [allegations of misconduct](#) have since been made against him and an investigation is taking place in accordance with [the Independent Complaints and Grievance Scheme](#).

The problem of harassment is not limited to one party or parliamentary chamber. Former SNP Chief Whip Patrick Grady was investigated for sexual harassment; a finding of misconduct was upheld by the Independent Expert Panel and he served a short suspension. There was [further controversy](#) when a recording of a meeting of SNP MPs about Grady's case was leaked, raising concerns that the party leadership in Westminster did not take the matter seriously.

In the House of Lords, Labour peer Lord (David) Lea of Crodall was found responsible for multiple acts of harassment and bullying for the third time in two years. The Lords Conduct Committee was powerless to suspend Lea, as he retired before [its report](#) was completed. The House of Lords Commission [accepted](#) the committee's recommendation that he not be issued a retired member's pass.

Looking to the future, a [Speaker's conference on the employment of members' staff](#) in the Commons was established in June to review whether it is sensible for MPs – rather than parliament – to be the employers of the people who work in their parliamentary offices. This proposal was made once before, in 2009, but ultimately rejected.

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## Peerage controversies

Recent months have also seen significant controversies about Boris Johnson's approach to appointing peers. Particular attention focused on his appointment of Lord (Evgeny) Lebedev, who was ennobled in July 2020. Lebedev was a friend of Johnson's and proprietor of the *Evening Standard* newspaper. In March [reports emerged](#) suggesting that Johnson had intervened to suppress official advice provided by the security services on Lebedev that might have prevented his approval by the House of Lords Appointments Commission (HOLAC). This was denied by Number 10, but sparked an [opposition day debate](#) on 29 March sponsored by Labour, at which MPs used the [humble address procedure](#) to demand that the security advice should be published. This mechanism is generally considered binding, but [ministers insisted](#) in May that the advice

must remain confidential, publishing only heavily-redacted documents. At a hearing with the Commons Public Administration and Constitutional Affairs Committee in April, HOLAC chair Lord (Paul) Bew had [elliptically suggested](#) that there was 'uncertainty' around Lebedev's appointment, and that he was a 'unique case' due to his father's position as a KGB agent.

Subsequently, new concerns arose about Johnson's plans for future peerages. It was widely rumoured even before his resignation that a [new set of nominations](#) was coming, including former *Daily Mail* editor Paul Dacre. Subsequently, [concerns swiftly emerged](#) about Johnson's resignation honours list, which it was said would run to 'pages and pages', including numerous peers.

Aside from HOLAC's non-statutory advice on propriety ([which Johnson has once flouted](#)), peerage appointments remain essentially unregulated. These various events substantially strengthen the case for greater regulation.

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## Select committees and contempts

On 13 June, the Committee of Privileges published its [final report](#) on proposals to sanction someone who evades a select committee's request to give evidence. Following a consultation on its initial proposals, the committee recommended creating a new offence of failing to answer a summons to give evidence to a select committee without reasonable excuse. Summonses would be issued by the Speaker. It also amended its earlier proposals to make clear that it is non-attendance and not the giving of unsatisfactory evidence that would

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be covered if its recommendations were implemented. The proposed maximum sentence for the offence is six months: this was revised down from 12 months on the basis that the period suggested at consultation stage was ‘disproportionate’.

The report included a draft Parliamentary Committees (Witnesses) Bill, which had been redrafted after the consultation to make clear that MPs and peers are to be exempt from its provisions. Draft guidance on the process for committees to follow in relation to non-attending witnesses was also included; the report cited this fact and the creation of a summons process as a justification for its belief that concerns about the potential chilling effect of its proposals are unfounded. It is unclear if [critics of the plans](#) will be convinced that the committee’s change of approach will avoid opening the ‘can of worms’ that they are concerned about.

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## Dissolution and Calling of Parliament Act

The [Dissolution and Calling of Parliament Act](#), which repealed the [Fixed-term Parliaments Act 2011](#) (FTPA), received royal assent on 24 March, having been approved without any amendments. The Lords voted in favour of an amendment retaining a role for the Commons in approving early general elections, but MPs then rejected this proposal [by 292 votes to 217](#). Hence early general elections no longer require parliamentary approval, and the Act has instead revived the prerogative powers abolished in 2011, under which the Prime Minister can request a parliamentary dissolution from the monarch. It also includes an ‘[ouster clause](#)’ designed to limit judges’ oversight of this power.

The Act’s most immediate consequence is to change the default date of the next general election. Under the FTPA, this was due in May 2024. But the current parliament could now be dissolved as late as 17 December 2024, with an election then following in January 2025. It also opened up room for controversy about the calling of a ‘snap’ election, which followed immediately after the Act was passed (see page 10).

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## Proxy voting and babies in the Commons chamber

On 24 November 2021, the Commons Procedure Committee was [asked by the Speaker](#) to consider whether MPs should be permitted to bring babies into the Commons chamber and Westminster Hall.

The inquiry was subsequently expanded to consider changes to the proxy voting scheme.

Guidance [issued by the Speaker](#) states clearly that MPs should not take their seats if they have a child with them, but in practice it has been a matter of discretion for the person in the chair: [Stella Creasy](#) had done so on numerous occasions without incident before being admonished, which prompted the inquiry.



[Stella Creasy](#) (CC BY 3.0) by [UK Parliament](#).

The committee published its [report](#) on 30 June. It recommended that babies should not be permitted in debates, but offered no substantive explanation as to how it had made that determination. It recommended against making the ban explicitly part of the [Standing Orders](#), but was clear that discretion to permit a baby’s presence should be used ‘sparingly’.

The committee – relying on ‘overwhelming’ evidence – also recommended that proxy voting should be extended to people experiencing ‘serious long-term illness’, but that this should be an alternative to – and not a replacement for – [pairing](#) and ‘[nodding through](#)’. It was cautious about changing the definition of ‘absence’ to enable MPs on leave to attend at short notice without surrendering their proxy, but said MPs should consider this carefully. It also expressed ‘reservations’ about extending the maximum length of a proxy arrangement to one year (it is currently seven months).

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## Restoration and Renewal

It is the start of a new era for the Restoration and Renewal (R&R) of the Palace of Westminster. [MPs](#) and [peers](#) have unanimously supported the decision to abolish the [Parliamentary Works Sponsor Body](#) and create a new joint department of the Commons and Lords to act as the R&R client, as part of a ‘[new mandate](#)’ for the

works. This mandate widens the range of options for delivering the work, prioritises safety-critical work, and commits to regularly reviewing the delivery strategy during the project. While widening the delivery options may signal a weakening of the previous commitment for both Houses to move out entirely during the works, the [delayed sitting](#) of the Commons on 11 July, due to a water leak, demonstrated yet again that such a decision may be forced on parliament due to a failure of the infrastructure serving the building. Indeed, the Clerk of the Commons, John Benger, emphasised in [evidence](#) to the Public Accounts Committee in March that the Commons chamber, at least, would need to be emptied for a significant period of time. The new joint department now has the somewhat challenging task of producing a business case which addresses the urgent need to rebuild the Palace with a timescale, scope, and budget that MPs will support.

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## PACAC report on Coronavirus Act

The Commons Public Administration and Constitutional Affairs Committee has published [a report](#) into the [Coronavirus Act 2020](#), which was passed by parliament to facilitate [various aspects](#) of the government's management of the COVID-19 pandemic. Most of the Act's provisions expired in March due to a two-year '[sunset clause](#)'.

The committee's report focused on the mechanisms that the Act afforded for parliamentary scrutiny, and on wider lessons ahead of the forthcoming public inquiry into the UK's COVID-19 response (see page 11). It made a number of recommendations about how the government should approach future emergency legislation of this kind. These included providing greater justification of the length of sunset clauses, and giving more consideration to parliament's ability to scrutinise and amend emergency provisions rather than simply having to renew or reject them.

Elections, referendums and democratic engagement




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## Elections in May and June

There was a [bumper round of elections](#) in May: for the Northern Ireland Assembly (see page 15) and for local authorities elsewhere. All council seats were contested in [Scotland](#) and [Wales](#), as were seats in large parts of [England](#), including Greater London, most of the

metropolitan boroughs, and some districts and unitary authorities.

Overall, the results were worse for the Conservatives than most observers had expected: they lost a net 485 seats, more than a quarter of those they were defending. Labour recovered from its poor showing in the elections of 2019 and 2021. Compared to when these seats were last contested in 2017 or 2018, however, it did little better than tread water, gaining just 22 councillors in England and 108 overall – mostly in Wales. The Liberal Democrats and Greens were the main beneficiaries of Conservative weakness, gaining 224 and 87 seats respectively – in the latter case more than doubling the party's total. In terms of councils controlled, the Conservatives lost 11, while Labour gained five, the Liberal Democrats and Plaid Cymru three each, and the SNP one. Plaid's gains came despite an overall loss in seats, while the SNP consolidated its place as Scotland's dominant party (see page 17).

The poor Conservative showing increased pressure on Boris Johnson, but did not precipitate a move against him: the Metropolitan Police investigation into gatherings in Downing Street during lockdown was still ongoing, and Sue Gray's report (see page 10) had not yet been published. Sceptics therefore continued to bide their time.

The government then suffered two further defeats in June – in parliamentary by-elections in [Wakefield](#) and [Tiverton and Honiton](#), the latter of which overturned a larger majority than in any previous by-election. These defeats triggered the [resignation of Conservative Party Co-Chair Oliver Dowden](#) and further weakened the Prime Minister. But it was only the Chris Pincher scandal a week later – and Downing Street's cavalier and dishonest handling of it – that finally brought Johnson's downfall (see page 10).

For the most part, these elections were conducted under the same rules as in years past: the Elections Act (see below) had become law shortly before, but its provisions – notably, the requirement for photo ID at polling stations – had not yet come into effect.

In four council areas in Wales, however, a [pilot of early voting](#) took place. Two of the councils – Caerphilly and Torfaen – allowed voting during the weekend preceding the official polling day, while two more – Blaenau Gwent and Bridgend – allowed it on the Tuesday and Wednesday before. The Electoral Commission is now evaluating the pilots and will report on lessons learned, before the Welsh government decides whether it wants to take the initiative further.



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## Changes to electoral law

The [Elections Act](#) became law on 28 April. As reported in [Monitor 80](#) (pages 6–7) this alters numerous aspects of electoral law, of which two changes are particularly controversial. First, it introduces a requirement for voters to show photographic ID in order to cast a ballot at a polling station. Second, it enables government ministers to prepare a ‘strategy and policy statement’ setting out priorities for the Electoral Commission, and the Commission will be held to account for how it adheres to that statement.

The bill passed through the House of Commons with little difficulty in January, notwithstanding a [highly critical report](#) from the chamber’s Public Administration and Constitutional Affairs Committee (PACAC). It met stiffer opposition in the House of Lords. Peers backed amendments that would have removed entirely the provisions on [a strategy and policy statement](#) and that would have [extended the list of documents acceptable as voter ID](#). The Commons rejected these amendments, however, and peers chose not to insist upon them. That was despite grave [concerns expressed by experts](#), including the Unit’s Alan Renwick, that the provisions – particularly the strategy and policy statement – would allow ministers to violate the independence of the Electoral Commission, which is a bedrock of electoral integrity.

Meanwhile, the Scottish Parliament passed [legislation](#) in June that confers the right to stand for election to local government in Scotland to resident nationals of countries with which the UK enters a treaty on electoral participation – currently, Luxembourg, Poland, Portugal, and Spain. Foreign nationals already had the right to vote in Scottish elections, so the new law plugs a gap in provision.

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## Online Safety Bill

After extensive parliamentary scrutiny of its draft form (see [Monitor 80](#), pages 7–8), the [Online Safety Bill](#) was introduced to parliament in March. The bill seeks to strengthen regulation of online communications in order to address a wide range of harms, through a combination of formal rules and requirements for internet companies to establish transparent procedures for self-regulation.

During the [second reading debate](#) on 19 April, MPs from all sides agreed that legislation in this area was

necessary and that the principles underpinning the bill were sound. The (Conservative) chairs of the two committees that had scrutinised the bill at the pre-legislative stage – Julian Knight of the [Digital, Culture, Media, and Sport Committee](#), and Damian Collins of the [joint committee](#) established specifically to examine the draft bill – both welcomed a range of improvements that had been made.

But concerns were also expressed. Several Conservatives sought reassurances on protection of free speech, and opposition speakers urged greater action to tackle disinformation and misinformation. There were also criticisms of a kind that have lately become familiar across multiple proposed laws: that the bill would grant excessive powers to ministers to act through secondary legislation; and that the independence of the regulator – in this case Ofcom – would be undermined by new powers of ministerial direction. There were also complaints from all sides that the time allowed for the debate – giving little more than an hour for backbench contributions – was inadequate for a bill of such length (225 pages) and import.

The bill’s [report stage](#) began on 12 July, with Damian Collins leading for the government, having been appointed as a junior minister after the previous week’s wave of resignations. Further consideration of the bill was, however, then postponed until after the summer recess. Some of the candidates in the Conservative leadership contest – especially [Kemi Badenoch](#) – were highly critical of the bill’s content.

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## Developments in deliberative democracy

In March, the Scottish government published the report of its [Working Group on Institutionalising Participatory and Deliberative Democracy](#), whose members included the Unit’s Alan Renwick. The working group was tasked with recommending ways to implement the government’s plans for regular citizens’ assemblies, an assembly for under-16s, and the development of more participatory democracy, as set out in the SNP’s [2021 election manifesto](#). Accordingly, it made recommendations under two headings: ‘developing a broad range of participation and democratic innovations’; and ‘using this system as a basis to establish routine use of Citizens’ Assemblies in Scotland’. It proposed that a unit be established within the Scottish government responsible for participation, which would establish infrastructure for citizens’

assemblies and other initiatives. Other proposals included a National Participation Strategy, a Participation Academy to train organisers and facilitators, and 'a children and young people's democracy symposium to co-develop a Citizens' Assembly for under 16s'.

The report was [discussed](#) by the Scottish Parliament's Citizen Participation and Public Petitions Committee in April. The responsible minister [welcomed](#) the report and said that the government will publish its response in due course.

Meanwhile, the [report of the Citizens' Assembly on Democracy in the UK](#), convened by the Unit as part of its project exploring public attitudes to democracy, was published in April (see page 19).

## Executive



### Collapse of the Johnson government

On 7 July Boris Johnson [announced](#) that he was stepping down as Conservative Party leader, and would continue to serve as Prime Minister until election of a replacement leader. The immediate catalyst for the crisis was the resignation of Deputy Chief Whip Chris Pincher after [allegations](#) that he had sexually assaulted two men. Number 10 initially [denied](#) that Johnson had been aware of previous complaints of similar behaviour, but on 5 July Lord (Simon) McDonald of Salford, a former Permanent Secretary at the Foreign Office, published a [letter](#) which claimed that Johnson had been informed of a formal complaint made during Pincher's time as a Minister of State in the department.

For some government ministers who had been repeatedly asked to defend Number 10 lines which subsequently unravelled, this proved to be the last straw. On 5 July the Health Secretary, Sajid Javid, and Chancellor Rishi Sunak [resigned](#) from the government. On 6 July a delegation of Cabinet ministers [privately urged the Prime Minister to step down](#). When that didn't work, several [proceeded to do so publicly](#), but refused to resign from the government. After a slew of [over 50 resignations](#) of ministers and their aides, Johnson reluctantly announced his decision to stand down as party leader, but defied [calls](#) to also step aside immediately as Prime Minister. Concerns were [expressed by members of the Commons Liaison](#)

[Committee](#) that he would seek to call a general election in a final attempt to retain office, but this did not come to pass.



[Boris Johnson at a Cabinet meeting with Sajid Javid and Rishi Sunak \(CC BY-NC-ND 2.0\) by UK Prime Minister.](#)

The resignations left the government with an unprecedented number of vacancies, and ministers were quickly appointed to fill key Cabinet posts (see page 18 for a list of relevant appointments). Number 10 insisted that controversial plans such as the Rwanda deportation policy (see page 3) and legislation to enable the government to override the Northern Ireland Protocol (see page 16) would not be withdrawn. The [caretaker convention](#) requires the government not to embark on new initiatives which might bind the hands of a new government, but it is silent about legislation which is already before parliament. Number 10 [briefed](#) that: 'It's not that the Government cannot continue to deal with challenging or long-standing issues. It is simply the convention to stick with delivering on pre-agreed policies, not unpicking them.'

The contest to elect a new Conservative Party leader is well under way (see page 13). The [timetable](#) set by the 1922 Committee of backbench MPs means that if the two remaining candidates stay in the race to the end, a new Prime Minister should take office in the first week of September.

### Partygate

The Metropolitan Police and senior civil servant Sue Gray both issued their final verdicts on partygate in May. A total of 12 gatherings in Downing Street were investigated by the police, including at least three attended by Boris Johnson. The police eventually [issued 126 fixed penalty notices to 83 individuals](#), including one

each to Boris Johnson, his wife Carrie, and Rishi Sunak, the then Chancellor of the Exchequer.

Sue Gray's [final report](#) on the matter was published on 25 May. It described 15 events, eight of which were attended by Johnson. Gray was critical of what she described as 'excessive alcohol consumption' in Number 10, with parties that went on until the early hours of the morning, and her report concluded that '[t]he senior leadership at the centre, both political and official, must bear responsibility for this culture'.

The issuing of fines led to the [departure](#) of Justice minister Lord (David) Wolfson of Tredegar, who said in his resignation letter that persistent law-breaking had gone on with 'constitutional impunity'. Gray's report led four more Conservative MPs to [call for Johnson's resignation](#), but he remained in post until his conduct in relation to Chris Pincher's conduct proved to be the final straw for a large number of ministers (see above).

Labour leader Keir Starmer and his deputy, Angela Rayner, were also investigated in relation to an allegation of breaching lockdown rules on a visit to Durham. Both [pledged to resign](#) if fined, but a police investigation [concluded](#) that the relevant gathering was lawful, as it was deemed to be reasonably necessary for work purposes.

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## The Ministerial Code

In the week that the Sue Gray report was published (see above) the Prime Minister published an [updated version of the Ministerial Code](#), which clarified that there is a range of sanctions short of resignation available for ministers who breach it, including a public apology or a salary deduction. The new Code [failed](#) to give any new powers to the Independent Adviser on Ministers' Interests, despite correspondence with Lord (Christopher) Geidt earlier in the year suggesting his role would be strengthened. In particular, the approval of the Prime Minister will still be required in order for an investigation to be launched. The government also declined to implement [recommendations](#) from the Committee on Standards in Public Life, including its proposal that the Ministerial Code should be given statutory backing.

Changes to the Code's foreword by the Prime Minister also removed reference to [the Nolan principles](#) and the impartiality of the civil service. The [accompanying statement](#) from the Cabinet Office set out the

government's view that parliament can have no role in upholding standards inside government, as that would risk 'conflating the executive and the legislature'.

Two weeks later Lord Geidt [appeared](#) before the Commons Public Administration and Constitutional Affairs Committee (PACAC). He was visibly uncomfortable talking about the limitations of his powers, and his difficulties in advising whether the Prime Minister had breached the Code during partygate. Geidt dramatically left his post the following day, saying in his [resignation letter](#) that his departure was in part a consequence of being asked to advise on government proposals that involved a 'deliberate and purposeful' breach of the Code.

Lord Geidt is the second ethics adviser to have resigned in protest during Boris Johnson's relatively short time in office, following the resignation of Alex Allan in November 2020 (see [Monitor 77](#), page 12). Number 10 subsequently [stated](#) that it would review the role, and decide if it needed to be overhauled or replaced by something else. A new Prime Minister will likely be making that decision.

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## COVID-19 inquiry

The public inquiry into the COVID-19 pandemic published its [draft terms of reference](#) in mid-March. The terms were widened following public consultation, and finally [approved](#) by the government on 28 June. The inquiry's scope is UK-wide, and 'will examine, consider and report on preparations and the response to the pandemic in England, Wales, Scotland and Northern Ireland'. In considering devolved matters 'the Inquiry will seek to minimise duplication of investigation, evidence gathering and reporting with any other public inquiry established by the devolved governments'.

Baroness (Heather) Hallett, who will chair the inquiry, has set out [seven principles](#) on how it will be conducted, including a commitment to independence, a promise that its sessions will be held across the UK, and a pledge that it will produce interim reports to deliver recommendations as soon as possible. Formal evidential hearings are not expected to commence until 2023.

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## Public appointments

The process of appointing people to head public bodies continues to be a cause for concern. The Commons DCMS select committee issued critical reports following

its pre-appointment hearings with the government's preferred candidates to head Ofcom and the Charity Commission. In both cases the committee's criticism was directed more at the chaotic nature of the appointments process than at the merits of the individual candidates.

The Ofcom appointment was first advertised in February 2021, but was reopened three times thereafter. The government's first preferred candidate, Paul Dacre, had been [ruled 'not appointable'](#) by the original interview panel. Eventually, in March, the government named Lord (Michael) Grade of Yarmouth as its preferred candidate. The committee's [report on his candidacy](#) expressed concerns about his lack of experience of social media and online safety, but did not recommend against his appointment.

The government's first choice for Chair of the Charity Commission, Martin Thomas, [resigned](#) in December just 10 days before taking up the post, following newspaper reports of inappropriate behaviour whilst working at a charity. In March the government [announced](#) that, rather than rerun the competition, it would appoint Orlando Fraser, who had applied for the vacancy at the same time as Thomas. Fraser was a legal member of the Charity Commission board for four years and has a wide experience of charities. The committee's [report](#) on his appointment said Fraser was a competent but 'unimaginative' choice. It expressed serious concerns about the selection process, which it concluded had been 'drawn out and subject to allegations of political interference'. It did not formally endorse his appointment and recommended that the government look again at its public appointments processes. The government confirmed both appointments in April.

## Monarchy, church and state



### The Platinum Jubilee and the future of the monarchy

The Queen's Platinum Jubilee was the occasion for widespread celebrations of Britain's longest reigning monarch, marked also by much discussion about the future of the monarchy. A Unit [blogpost](#) considered whether public support for the monarchy would outlive the Queen; what kind of monarch Prince Charles is

likely to be; and whether more of the realms (the 14 Commonwealth countries where the Queen is also head of state) might in future become republics.

A series of stories were published in June and July as part of a long-running [Guardian investigation](#) into the role of [Queen's consent](#) in the legislative process. This included a report that correspondence from the National Archives demonstrates that in 1992 the Duchy of Cornwall – headed by Prince Charles – [obtained an exemption](#) from further leasehold reform legislation for Newton St Loe, a village owned by the duchy which was 'particularly well liked and valued by his Royal Highness'. The Scottish Parliament's Presiding Officer, Alison Johnstone, issued [new guidance](#) in June requiring Scottish ministers to notify MSPs as early as possible if a bill might require consent, so that it can be properly scrutinised.

Prince Charles has also been making headlines in relation to other matters. In response to an allegation that the Prince of Wales had accepted a suitcase containing over £1 million from Sheikh Hamad bin Jassam, Clarence House [acknowledged](#) in June that the former Qatari Prime Minister had made cash gifts totalling €3 million that had been properly passed on to one of the Prince's charities, but [added](#) that 'For more than half a decade... this has not happened and it would not happen again'.

An additional source of embarrassment came amidst preparations for the Commonwealth Heads of Government Meeting in Rwanda, when the *Times* [reported](#) that Prince Charles had privately described the government's policy to send migrants to Rwanda as 'appalling'. Clarence House did not deny the story, but stated that the Prince of Wales 'remains politically neutral. Matters of policy are decisions for government'.

## Courts and the judiciary



### The Bill of Rights Bill

On 22 June the government published the [outcome](#) of its consultation on a 'Modern Bill of Rights', which it had launched following the release of [the Independent Human Rights Act Review](#) in 2021 (see [Monitor 80](#), page 11). Despite a [joint request](#) by several parliamentary committees, the Bill of Rights Bill proposed in the

response was not made subject to pre-legislative scrutiny in draft, but was introduced by Justice Secretary Dominic Raab the very same day. Not for the first time during the Johnson government, Commons Speaker Lindsay Hoyle [complained](#) as part of his introduction to the debate that a minister was making a statement in the chamber after its contents had been extensively leaked to the media.



[Justice Secretary Dominic Raab \(CC BY-NC-ND 2.0\)](#) by [UK Government](#).

The bill seeks to repeal and replace the [Human Rights Act 1998](#) (HRA), which incorporated the European Convention on Human Rights into UK law. Raab [told the Commons](#) that the bill will protect the same ‘Convention rights’ as the HRA. However, it proposes major changes to the current framework. These include: removing the requirement on courts to interpret legislation compatibly with Convention rights so far as is possible; removing the obligation to take into account the case law of the European Court of Human Rights; preventing courts from interpreting Convention rights as imposing ‘positive obligations’ new to UK law; and requiring courts to interpret the right to respect for private and family life restrictively in deportation cases.

The bill has been subject to widespread criticism. Professor Mark Elliott, a former legal adviser to the House of Lords Constitution Committee, [argued](#) that it significantly diminishes the level and forms of domestic protection afforded to Convention rights. Liberty [described](#) it as ‘a power grab’. The Commons Justice Committee and the Joint Committee on Human Rights heard evidence about the bill’s impact on [5 July](#) and [6 July](#) respectively, and the latter has [written to the government](#) expressing multiple concerns. In addition, despite Raab’s repeated assertions both [before](#) and

[during](#) the debate that the government wants to explicitly protect and strengthen the right to free speech, the relevant parts of the bill have been [criticised](#) as giving the government increased protection from legal challenges to laws that seek to limit freedom of expression.

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## Judicial Review and Courts Act

The [Judicial Review and Courts Act](#) received royal assent on 28 April, after the government agreed to amend a controversial provision relating to judicial review.

The original bill contained two clauses affecting judicial review. Clause 1 sought to provide courts with new powers regarding quashing orders, which nullify a decision of a public body where it has acted outside its legal powers or in breach of natural justice. The bill proposed allowing courts to make ‘suspended’ and ‘prospective-only’ quashing orders and sought to create a presumption in favour of such orders, essentially making them the default option. Clause 2 sought to abolish *Cart* judicial reviews, subject to certain exceptions, reversing [a 2011 decision of the Supreme Court](#) which allowed the High Court to exercise supervisory jurisdiction over the UK tribunal system.

The government suffered [defeats](#) in relation to both clauses in the Lords. Peers voted to remove ‘prospective-only’ quashing orders. They also passed a ‘compromise amendment’ which sought to retain *Cart* judicial reviews but limit the right of onward appeal.

[Speaking in the Commons](#) following these defeats, then Justice minister James Cartledge stated that he did not accept that the presumption in favour of certain types of order fettered the discretion of judges or was dangerous. But the government agreed to yield to the ‘persuasive arguments that it is in fact unnecessary’ for the presumption to be part of the bill. The government rejected the other amendments, which were not insisted on by the Lords.

## Parties and politicians




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### Conservative Party confidence vote and leadership contest

On 6 June Graham Brady, Chair of the 1922 Committee of backbench Conservative MPs, [announced](#) that a

confidence vote in Boris Johnson's leadership of the party would be held later that day. It seemed unlikely that the rebels would have the votes to win and so it proved: [Johnson won by 63 votes](#), with 148 (41%) of his 359 MPs voting against him. Party rules stated that another confidence vote could not be held for 12 months, but the scale of the rebellion prompted [immediate speculation](#) that backbenchers would try to change those rules to permit another challenge.



[Leadership contenders Rishi Sunak and Liz Truss \(CC BY-NC-ND 2.0\) by UK Prime Minister.](#)

In the end, it was his ministers who forced Johnson out, on 7 July, as a consequence of [the largest single set of ministerial resignations](#) in modern history (see page 10). In the following days, [11 Conservative MPs](#) announced their candidacy for the Conservative Party leadership, with eight still in the race by the time of the [first ballot of the parliamentary party](#). After five rounds of voting, former Chancellor Rishi Sunak and Foreign Secretary Liz Truss were [selected](#) as the final two candidates. The contest was not without incident: Cabinet Secretary Simon Case [opened an inquiry](#) into leaks about the conduct of the third-placed leadership candidate Penny Mordaunt during her time as a minister. The closeness of the final ballot, with Sunak on 137 votes, Truss on 113 and Mordaunt on 105 meant that underhand behaviour could well have swung the result, and that the winner may have demonstrable support from less than a third of the parliamentary party – with attendant risks to future party unity.

By the time *Monitor* went to press, Sunak had [pledged](#) to move quickly, if elected, on appointing a new Independent Adviser on Ministers' Interests following the resignation of Lord (Christopher) Geidt in June (see page 11). On Brexit, he had [promised](#) to accelerate the process of reviewing [retained EU law](#) and would demand that recommendations on legislation for repeal

be delivered to him within 100 days of his appointment as Prime Minister. Truss had [committed](#) to passing the Northern Ireland Protocol Bill (see page 16). On levelling up, both candidates had [endorsed](#) a series of pledges by the Northern Research Group of MPs, which include creating a 'minister for the north'.

The party membership will now decide whether Sunak or Truss will be the UK's sixteenth post-war Prime Minister, and the fourth in barely six years. The winner will be announced on 5 September and is [expected](#) to replace Johnson as Prime Minister the following day.

## Nations and regions



### The Union and intergovernmental relations

It was reported in [Monitor 80](#) (pages 12–13) that the UK and devolved governments had reached agreement on a series of reforms to intergovernmental relations, including a new three-tier system of 'Councils' to replace the previous Joint Ministerial Committee structure. The middle-tier Interministerial Standing Committee [has since met twice](#). Eight sectoral interministerial groups have also met [at least once](#) since March, including those focusing on [Finance](#) and on [Elections and Registration](#). There have been no meetings, however, of the Prime Minister and Heads of Government Council.

The increased volume of interministerial engagement in recent times was the central theme of an [Intergovernmental Relations Annual Report](#) published by the Department for Levelling Up, Housing and Communities at the end of March, the first since 2013. Written from the UK government's perspective, this painted a rosy picture. In his foreword the then Minister for Intergovernmental Relations, Michael Gove, referred to an 'unprecedented amount of calls and meetings', while the report's opening paragraph proclaimed a 'defining year' for how the UK and devolved governments had worked together. Case studies detailed cooperation on COVID-19, the COP26 climate conference and regional growth deals, as well as the work of the British–Irish Council.

There was no mention in the annual report of the underlying tensions between the UK government and its Scottish and Welsh counterparts. The Scottish Constitution Secretary, Angus Robertson, [claimed](#) that

a lack of consultation in relation to the 'Brexit Freedoms Bill' 'makes a mockery of the UK Government's recent commitment to reset relationships with the Devolved Governments'. Meanwhile, the Welsh Minister for the Constitution, Mick Antoniw, [described](#) the process that preceded the Bill of Rights Bill as 'totally unsatisfactory, not least in relation to engagement with the Devolved Governments'. It seems very unlikely that these bills would receive [legislative consent motions](#) as currently framed.

The next Prime Minister will therefore inherit a situation in which trust between the UK's administrations has been low for an extended period. Changing this will not be straightforward. The intergovernmental tensions of recent years reflect [fundamental differences](#) in how central and devolved governments understand the constitution, even if they have at times been exacerbated by Boris Johnson's confrontational style and political party differences. Further conflict is inevitable unless ministers are willing to step back from their assertion of what has been [described by Professor Michael Keating](#) as a 'unitary' understanding of the UK.

There have also been some developments in relation to interparliamentary relations. In late February a new Interparliamentary Forum held its [first meeting](#), attended by committee chairs from all three devolved legislatures and both Westminster chambers. This body is a successor to the [Interparliamentary Forum on Brexit](#), which met eight times from 2017–19. The new forum aims to 'improve scrutiny through the mutual exchange of information and by seeking a consistent approach to improving transparency and accountability at both a ministerial and inter-governmental level in our respective jurisdictions'. The current Lord Speaker, Lord (John) McFall of Alcuith, has made strengthening interparliamentary relations a personal priority.

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## England

Progress has continued on a new generation of devolution deals with county areas across England. Derbyshire and Nottinghamshire [have made a joint submission](#), but proposals in some areas continue to face local opposition. Some support for a mayoralty has been expressed in [Cornwall](#), [Norfolk](#) and [North Yorkshire](#), but uncertainty remains.

Croydon [elected its first executive mayor](#), Conservative Jason Perry, at the local elections in May. A referendum in Bristol, meanwhile, saw voters [approve plans to abolish its mayoralty](#) once the incumbent's term

ends in 2024. Below county level, councils have [expressed opposition](#) to provisions in the [Levelling Up and Regeneration Bill](#) that will allow new combined authorities to be created without their involvement.

At the Local Government Association's annual conference in June, then Levelling Up Secretary Michael Gove [announced](#) his intention to deliver a two-year funding settlement for local government. However, it is unlikely to include a substantial uplift in resources. He also stated that the [Fair Funding Review](#) of needs assessment, which had been in abeyance since 2018, is set to be completed by the end of 2022, and that the number of funding pots for local authorities will be reduced. A new Office for Local Government, which will be responsible for publishing and comparing performance data, is to be established, in part filling the gap left by the abolition of the Audit Commission. Some of the responsibilities for managing the local government audit system will transfer to the new Audit, Reporting and Governance Authority (ARGA).

The collapse of the Johnson government in early July casts doubt on the future of these plans. The same can be said for the new ['trailblazer' deals](#) being discussed for Greater Manchester and the West Midlands, with both regions' mayors expressing concern for the future of levelling-up policy. Tees Valley Mayor Ben Houchen, a Conservative, drafted [an open letter](#) urging the contenders for his party's leadership to commit to several key levelling-up pledges, including devolving tax policy to areas with metro mayors and a commitment that the Department for Levelling Up will be retained. Andy Burnham, the Labour Mayor of Greater Manchester, [expressed concern](#) that levelling up could be 'dead in the water' when Boris Johnson steps down. The future of English devolution is uncertain.

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## Northern Ireland

Devolved government remains largely inoperative because of disputes over the Northern Ireland Protocol (see below), as it has been since the DUP withdrew its First Minister in February (see [Monitor 80](#), page 14).

May's [Assembly election results](#) were [on their face dramatic](#). Sinn Féin won 27 seats (out of 90) to the DUP's 25, entitling it to nominate the First Minister for the first time. Symbolically the impact is great, reinforcing that [unionism is no longer in the political majority](#). Materially it is less important, since the two offices have precisely identical (and joint) powers. Speculation that the results

presage an early border poll on Irish unity is overheated, as the nationalist vote overall was around 40%.



[Michelle O'Neill, Vice-President of Sinn Féin \(CC BY 2.0\) by Sinn Féin.](#)

The share of the vote received by parties of the centre ground increased dramatically, with Alliance more than doubling its representation to 17 MLAs. The binary unionist versus nationalist character of Northern Ireland politics, which informed the Belfast/Good Friday Agreement, is changing.

The DUP seems unlikely to nominate a deputy First Minister until the Protocol Bill is much nearer to implementation. In an unexpected twist, the DUP also [blocked the election of an Assembly Speaker](#), which means that the Assembly cannot meet. Existing departmental ministers remain in post, but are unable to take controversial or crosscutting decisions in the absence of an Executive (which only the First Minister and deputy First Minister can call, acting jointly).

London is mistrusted on all sides, which reduces its honest broker capacity; as does [the rupture in relations with Dublin](#), and the end of the [traditional Westminster bipartisanship on Northern Ireland](#). The Protocol Bill opens up the prospect of Northern Ireland, or the whole island, being [excluded](#) from access to the European Single Market for goods. That might lead non-unionist parties to rethink their willingness to participate in devolved government. A perception that the government's Bill of Rights Bill [weakens the Agreement's guarantees](#) on human rights might have a similar impact.

Also looming in the background is the government's [bill to end prosecutions, civil cases and inquests in relation to Troubles deaths](#). The proposals, essentially motivated by a [commitment](#) to end the prosecution of British

soldiers for such deaths, were unanimously rejected by the previous Assembly.

Prospects for a return to devolution thus appear poor, and any restored Executive would be fragile: the [underpinnings of devolution are crumbling](#).

If a First Minister and deputy First Minister are not appointed by October, the Northern Ireland Secretary must by law call new elections, though whether this would change the political climate is unclear. Shailesh Vara replaced Brandon Lewis as Secretary of State after the latter [resigned](#) as part of the push to oust Boris Johnson in July (see page 10). It is impossible to know who will be in post come October, or what their approach will be.

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## The Northern Ireland Protocol

The [Northern Ireland Protocol Bill](#) was introduced in the Westminster parliament on 13 June, causing considerable tension in British, Irish, and European politics. It passed its Commons stages immediately before the summer recess. The government argued that the bill will 'fix' the contentious parts of the [Northern Ireland Protocol](#), restore stability following the [recent collapse of the Stormont institutions](#), and protect the Belfast/Good Friday Agreement. The move was [welcomed by unionist parties](#) as a step in the right direction.

But the proposals have been strongly denounced by [the Irish government](#), [the European Commission](#), [the nationalist and non-aligned parties in Northern Ireland](#), and [opposition parties at Westminster](#). Indeed, several prominent figures on the Conservative backbenches have also criticised the bill, including [Theresa May](#) and the [former Secretary of State for Northern Ireland, Julian Smith](#) (both of whom abstained at [second](#) and [third](#) reading). Critics, such as [former Attorney General Geoffrey Cox](#), maintain that the government's proposals are likely to be counterproductive, and could [break international law](#) by unilaterally altering an international agreement. They have also accused the government of exaggerating the economic issues created by the Protocol, risking further political instability in Northern Ireland, and creating needless tension with Dublin and Brussels.

The [provisions of the bill](#) include measures to create a 'dual regulatory regime' allowing companies to choose whether to comply with UK or with EU law. It would also



remove the requirement for Northern Ireland to apply EU customs rules on goods coming from mainland Britain that are not intended to leave Northern Ireland. [Controversially](#), the bill also provides very extensive powers for ministers to make further changes to the Protocol's operation by means of secondary legislation – i.e. with minimal parliamentary oversight.

It remains unclear what action the EU will take if the bill is enacted, but it has [resumed legal proceedings](#) against the UK for earlier breaches. It has been suggested that the government intends to use the bill only as a [negotiating tactic](#), however misguided such an approach might be.

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## Scotland

Council elections in Scotland in May saw [the SNP come first once again](#), with Labour now second and the Conservatives third.

The last few months have marked a new phase in Scotland's constitutional debate. On 14 June the Scottish government published [Independence in the Modern World. Wealthier, Happier, Fairer: Why Not Scotland?](#), setting out the framework of its political case for independence. The paper centred around an argument of economic underperformance by the United Kingdom compared to a range of (small, prosperous) comparator countries on a variety of measures. It sought to illustrate the weaknesses of the UK rather than the potential of an independent Scotland, a subject of intense contestation in the original independence debate.



[First Minister Nicola Sturgeon \(CC BY 2.0\)](#) by [Scottish Government](#).

Later that month, First Minister Nicola Sturgeon delivered [a speech](#) to the Scottish Parliament setting out how a referendum might be achieved, and defining a target polling date of 19 October 2023. The Scottish government then published the [Scottish Independence Referendum Bill](#) on 28 June. Lord Advocate Dorothy Bain – Scotland's senior law officer – immediately [referred the bill to the UK Supreme Court](#), for a ruling on whether it falls within the competence of the Scottish Parliament. The UK government has argued that it is premature to do so before the bill has been passed, and it [asked the court](#) to direct that written arguments be limited to the question of whether the reference should be accepted, so that this point could be decided before the court heard arguments on whether or not the bill was within competence. The court [denied the application](#) and will hear arguments on both issues at a single hearing in October. If the Supreme Court does rule against the Scottish government, Sturgeon said the SNP would treat the next UK general election as a de facto referendum on independence, an option not previously considered desirable by the mainstream of the party.

The Scottish Parliament has now broken for its summer recess. Bills which will carry over into the new term include the [United Nations Convention on the Rights of the Child Bill](#) and the [European Charter of Local Self-Government \(Incorporation\) \(Scotland\) Bill](#). Elements of both were [judged by a unanimous five-judge panel of the Supreme Court](#) to be outwith the scope of the Scottish Parliament's powers. The Gender Recognition Reform Bill is also set to continue its progress, despite an intervention – [criticised by some legal experts](#) – by UK Attorney General Suella Braverman, who warned of [a 'two-tier system' in the UK](#) if the bill is passed. By that time the UK will likely have a new Attorney General and a new government, so it is hard to predict if this stance will be maintained.

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## Wales

Party politics in Wales has not proved immune to events at Westminster, with a June poll showing that Welsh voters have [a distinct dislike](#) of Boris Johnson. This partially explains [the 'disastrous' performance of the Welsh Conservatives](#) in May's local elections (see page 8), and the consequent [reports](#) that a split with the main party in London could come soon.

The major constitutional news of recent months is the announcement in May by Welsh Labour and Plaid Cymru

of [an agreed position](#) on the expansion of the Senedd to 96 members (MSs), who would be elected in 16 multi-member constituencies (based initially on paired Westminster constituencies) from closed party lists with integrated gender quotas.

The proposals have the support of a supermajority of the Senedd, but [concerns have been raised](#) about several aspects of the plans.

The use of closed lists would [reduce voter choice and prioritise party interests](#). The Special Purpose Committee on Senedd Reform [backed the plans](#) after its lone Conservative member [resigned in protest](#) at the government's decision to announce a preferred position before the committee had finished its work. The majority on the committee recommended against use of the [Single Transferable Vote system](#) – the preferred method of the [Expert Panel on Electoral Reform](#) in 2017 – on the basis that it would be seen by voters as too complicated. The committee majority also rejected a flexible list system – which the Expert Panel had endorsed as an alternative to STV – saying that closed lists were already familiar to voters and ‘would facilitate strong, cohesive political parties’.

The exclusion of the government and parliament of Wales from mechanisms connected to the UK government's [Shared Prosperity Fund](#) (SPF) – and the associated use of the Internal Market Act 2020 to take decisions in devolved areas – led the Welsh government to make [a statement](#) that it was ‘unable to endorse’ the UK government's administration of the SPF in Wales. A thorny constitutional dispute could result.

The Welsh government continues to develop a distinct justice policy, overseen by a Cabinet sub-committee chaired by First Minister Mark Drakeford. In May, it published [Delivering Justice for Wales](#), which outlined its principles should justice policy be devolved. The focus is on prevention and rehabilitation, a rights-based approach to law and a commitment to reduce the size of the prison population.

The [resignation of Wales Secretary Simon Hart](#) as part of the push to oust Boris Johnson (see page 10) led to the appointment of former Justice Secretary Robert Buckland as his successor. Buckland [made clear in an interview](#) shortly after taking office that making justice a devolved matter is not likely to happen on his watch. However, with a new Prime Minister due to be appointed in early September, his stint as Wales Secretary may be short.

## People on the move

**Christopher Pincher** resigned as Deputy Chief Whip at the end of June following an alleged incident of sexual harassment (see page 5).

**Kelly Tolhurst** was appointed from the backbenches to replace him.

Downing Street's handling of the Pincher allegations prompted mass resignations from the government (see page 10) and two reshuffles.

**Steve Barclay**, who was combining the roles of Downing Street Chief of Staff and Chancellor of the Duchy of Lancaster, became the new Health Secretary. **Samantha Cohen** took over his duties as Chief of Staff and **Kit Malthouse** replaced him at the Cabinet Office. **Robert Buckland** and **Shailesh Vara** returned from the backbenches to take over from **Simon Hart** and **Brandon Lewis** as Wales Secretary and Northern Ireland Secretary respectively. **Greg Clark** left his role as Chair of the Commons Science and Technology Committee to replace **Michael Gove** after he was sacked as Secretary of State for Levelling Up, Housing and Communities (DLUHC).

Within DLUHC, Minister for London **Paul Scully** and former whip **Marcus Jones** were both appointed Ministers of State, after **Kemi Badenoch** left her Minister of State role and **Neil O'Brien** co-signed the same resignation letter. **Lia Nici** was promoted from her previous role as one of Boris Johnson's Parliamentary Private Secretaries to take O'Brien's place as Minister for Levelling Up, the Union and Constitution.

**James Cartlidge** resigned as the Justice minister responsible for the courts, a policy brief that passed to **Sarah Dines**, who joined the department from the whips' office.

**Edward Timpson** took over as Solicitor General, after **Alex Chalk** resigned.

**Lord (David) Wolfson of Tredegar** resigned as Parliamentary Under-Secretary of State in the Ministry of Justice on 13 April (see page 11).

**Lord (Christopher) Bellamy** was appointed to replace him in June.

**Oliver Dowden** resigned as Co-Chair of the Conservative Party on 24 June following

Conservative losses in by-elections held the previous day (see page 8). The position remained vacant until **Andrew Stephenson** was appointed as part of the July reshuffles.

**Lord (Christopher) Geidt** resigned as Independent Adviser on Ministers' Interests in June (see page 11).

**Chris Carr** was appointed in April to serve as Director of the new Brexit Opportunities Unit at the Cabinet Office.

**Joanna Cherry** was elected to serve as Chair of the Joint Committee on Human Rights in July. The vacancy was created when **Harriet Harman** stepped down to lead the inquiry into the conduct of Boris Johnson by the Committee of Privileges after the committee's Chair, **Chris Bryant**, recused himself (see page 5).

**Meghan Gallacher** was appointed Deputy Leader of the Scottish Conservatives in May, the first holder of the position since it was abolished in 2016.

**Lord (Michael) Grade of Yarmouth** was appointed to serve as the new Chair of Ofcom. **Maggie Carver** will serve as his deputy following her stint as interim Chair.

**Shaun McNally** took up his post as Chief Executive of the Electoral Commission in April, following **Bob Posner's** retirement.

## Constitution Unit news

### Report of the Citizens' Assembly on Democracy in the UK

In April, the Unit published the [report of the Citizens' Assembly on Democracy in the UK](#). The Assembly was convened as part of the Unit's current research project examining public attitudes to democracy in the UK, [Democracy in the UK after Brexit](#), which is funded by the Economic and Social Research Council's Governance after Brexit programme. It comprised 67 members of the UK public, who were carefully recruited to be

representative of the UK voting-age population. Over six online weekends together, members considered in detail the question, 'How should democracy in the UK work?'. They focused on three aspects of democracy: the relationship between government and parliament; the roles of the public; and ways of upholding rules and standards.

The report contains members' conclusions, in their own words. It has three core findings. First, members expected high ethical standards of honesty and selflessness from their elected representatives, and supported a stronger role for regulators in order to achieve this. Second, members did not want power to be concentrated too far within the executive, advocating spreading it out to parliament and the courts. Third, members wanted better mechanisms for the voice of the public to be heard. They emphasised a need for better education and information, and greater use of citizens' assemblies and other forms of participation in meaningful policy discussions.

This was the second report from the project: the [first report](#), published in January, set out the results of a major survey of public opinion on democracy conducted in July 2021. A further survey is being carried out this summer, and the Unit will publish a report on its findings later in the year.



[The report of the Citizens' Assembly on Democracy in the UK.](#)

### Report on constitutional watchdogs

In July, the Unit published a new report on the role of constitutional watchdogs in safeguarding democracy, entitled [Parliament's Watchdogs: Independence and Accountability of Five Constitutional Regulators](#). The report was authored by former Unit Director Robert Hazell, former IPSA Chief Executive Marcial Boo, and Zachariah Pullar, and provides a study of five organisations which have key functions in maintaining electoral integrity, overseeing the payment and conduct

of MPs, safeguarding electoral integrity, and regulating public appointments.

The report explores the inherent tension in the need to maintain the independence of watchdogs from the politicians and democratic processes they regulate, while optimising their accountability to parliament, as public bodies paid for out of public funds.

The report makes a series of recommendations designed to maintain the independence of these watchdogs without compromising their accountability, including preventing appointees from being removed or having their functions changed arbitrarily; providing them with adequate funding to fulfil their functions; and creating mechanisms to challenge their decisions via appeal or judicial review.

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## Unit annual conference

On 22 and 23 June the Constitution Unit, in partnership with the Bingham Centre for the Rule of Law, the Oxford Constitutional Studies Forum, and the UK in a Changing Europe, held an online conference covering a wide range of constitutional topics. This included five panel discussions, and a [keynote address](#) by former Conservative Cabinet minister and podcaster Rory Stewart. The panels discussed [constitutional standards](#), [the future of power-sharing in Northern Ireland](#), [the future of the Union](#), [the role of the courts](#), and [parliamentary scrutiny](#).

Recordings of all sessions are available in [podcast](#) and [video](#) form – for full details of speakers see page 21.

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## Constitutional principles and the health of democracy

The Unit has embarked on a new project on constitutional standards and the health of democracy, funded by the Legal Education Foundation. This helped to make possible our conference, and has now begun to produce a series of briefing papers, aimed at policy makers and a wider public. These are available on the [project website](#) and through the Unit's blog. The [first briefing](#) looked at the phenomenon of 'democratic backsliding', and whether the UK is at risk; the [second briefing](#) set out five key questions on constitutional standards for Conservative leadership candidates. The latter suggested that candidates must commit to strengthening the standards system, rebuilding parliament's scrutiny role, defending the rule of law, abiding by constitutional norms, and defending checks and balances.

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## Staff news

The Unit has welcomed two new colleagues. [Peter Riddell](#) was made an Honorary Professor at UCL after stepping down as Commissioner for Public Appointments. He will be writing regularly for the Unit blog and has already [published several fascinating posts](#). We have also been delighted to host [Joe Tomlinson](#) as a visiting scholar; he is a former Research Director at the Public Law Project and a member of the University of York Law School, where he was recently promoted to Professor.

Sadly, we have also said goodbye to our colleague Luke Moore, who spent three years attached to the Unit as a Teaching Fellow in the Department of Political Science, covering Meg Russell's teaching during her [UK in a Changing Europe Senior Fellowship](#), which ended in May.

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## Research volunteers

The Unit is, as always, grateful for the excellent work done by its research volunteers. A big thank you to former volunteers Oliver Bourton, Tom Leeman, Adam Khadra and Ioana Maxineanu.



### Listen to our podcast

The [Constitution Unit podcast](#) allows you to listen to audio recordings of our events, as well as topical episodes featuring analysis and commentary from our team of researchers.

You can find a full episode list [here](#), or subscribe via a range of podcast providers, including [Apple](#), [Google](#) and [Stitcher](#).

# The State of the Constitution: Constitution Unit Conference 2022

Recordings of all panels and the keynote speech are available in [video](#) and [podcast](#) format.

## Day 1, Wednesday 22 June

### [Panel 1. Constitutional standards](#)

**Professor Elizabeth David-Barrett**, Director of the Centre for the Study of Corruption, University of Sussex, **Professor Peter Riddell**, former Commissioner for Public Appointments, **Professor Petra Schleiter**, Joint Head of the Department of Politics and International Relations, University of Oxford, **Jeremy Wright QC MP**, former Attorney General and serving member of the Committee on Standards in Public Life.

### [Panel 2. Northern Ireland: how can power-sharing be revived?](#)

**Dr Mary Murphy**, senior lecturer at the Department of Government and Politics, University College Cork, **Dr Clare Rice**, Research Associate at the Department of Politics, University of Liverpool, **Julian Smith MP**, former Secretary of State for Northern Ireland, **Alan Whysall**, Honorary Senior Research Associate at the Constitution Unit.



[Rory Stewart](#) (CC BY-NC-ND 2.0) by [UK Prime Minister](#).

## Day 2, Thursday 23 June

### [Panel 3. The future of the Union and devolution](#)

**Lord (Andrew) Dunlop**, former Parliamentary Under-Secretary of State at the Scotland Office and Northern Ireland Office, **Professor Michael Keating**, Fellow of the Centre on Constitutional Change, **Professor Laura McAllister**, co-chair of the Independent Commission on the Constitutional Future of Wales, **Sarah Sackman**, Public and environmental barrister, Matrix Chambers.

### [Panel 4. The role of the courts](#)

**Joanna Cherry QC MP**, Chair of the parliamentary Joint Committee on Human Rights, **Helen Mountfield QC**, barrister and Principal of Mansfield College, University of Oxford, **Bob Neill MP**, Chair of the Commons Justice Committee, **Joshua Rozenberg QC (Hon)**, legal commentator and journalist, **Martha Spurrier**, Director of Liberty.

### [Panel 5. Parliament: the decline of scrutiny?](#)

**Dr Ruth Fox**, Director of the Hansard Society, **Baroness (Angela) Smith of Basildon**, Shadow Leader of the House of Lords, **Dr Hannah White**, Deputy Director of the Institute for Government, **William Wragg MP**, Chair of the Commons Public Administration and Constitutional Affairs Committee.

[Keynote speech by Rory Stewart](#)

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## Events from our 2022 seminar series recently made available online

Recordings of all of Unit events are available online, via the Unit's [podcast](#) and [YouTube](#) pages. To sign up for future events, please visit the Unit's [events page](#). Webinars are free and open to all.

### [The 'Brexit Freedoms' Bill and Retained EU Law](#)

**Professor Catherine Barnard**, Professor of European Union and Labour Law at the University of Cambridge, **Ruth Chambers**, Senior Parliamentary Affairs Associate at Greener UK, **Dr Tom West**, Delegated Legislation Review Manager at the Hansard Society.

Chair: **Dr Joe Tomlinson**, Senior Lecturer in Public Law at the University of York.

*Recorded on 22 July.*

### [The 1997 Labour Government's Constitutional Reform Programme: 25 Years On](#)

**Baroness (Shami) Chakrabarti**, former Director of Liberty, **Lord (Charlie) Falconer of Thoroton**, Shadow Advocate General for Scotland and former Lord Chancellor, **Professor Robert Hazell**, former Director of the Constitution Unit.

Chair: **Professor Meg Russell**, Director of the Constitution Unit.

*Recorded on 17 May.*

### [The Citizens' Assembly on Democracy in the UK](#)

**Professor Catherine Barnard**, **Frances Foley**, Deputy Director of Compass, **Professor Alan Renwick**, Project Lead and Deputy Director of the Constitution Unit, **Kaela Scott**, Director of Innovation and Practice at Involve, and members of the Assembly.

Chair: **Professor Meg Russell**.

*Recorded on 28 April.*

### [What Role Should Party Members Have in Leadership Elections?](#)

**Paul Goodman**, Editor of Conservative Home, **Dr Tom Quinn**, Senior Lecturer at the University of

Essex's Department of Government, **Cat Smith MP**, former Shadow Minister for Young People and Voter Engagement.

Chair: **Professor Meg Russell**.

*Recorded on 7 April.*

### [The Platinum Jubilee and Future of the Monarchy](#)

**Dr Carolyn Harris**, royal historian at the University of Toronto, **Professor Helle Krunke**, Head of the Centre for European and Comparative Legal Studies, **Dr Bob Morris**, Honorary Senior Research Associate at the Constitution Unit, **Dr Craig Prescott**, constitutional law expert at Bangor University.

Chair: **Professor Robert Hazell**.

*Recorded on 17 March.*

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## Unit in the news

Bob Morris spoke to the [Express](#) about the role of senior members of the royal family (13 March). Robert Hazell and Bob appeared on the [UCL Political Science Events Podcast](#) (17 March) on the future of the royal family, which was subsequently quoted in an [Express](#) article about the prospect of a 'slimmed down' monarchy (18 March).

Bob Morris spoke to [Express.co.uk](#) about the impact of Commonwealth realms becoming republics (4 April).

Bob was also quoted in the [Washington Post](#) on the topic of Prince Andrew being deprived of his title as Duke of York (29 April).

Meg Russell appeared on Radio 4's [The Week in Westminster](#) to discuss the controversial appointment of Lord (Evgeny) Lebedev to the House of Lords (19 March).

Meg Russell spoke at the UK in a Changing Europe's [Constitution and Governance in the UK Conference](#) (28 March).

Following the publication of the report of the [Citizens' Assembly on Democracy in the UK](#) in April, Alan Renwick spoke to Matt Chorley on Times Radio (7 April) and

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wrote articles for the [Conversation](#) (7 April) and [Prospect](#) (11 April). Alan also spoke at a Friedrich Ebert Stiftung webinar: [Power from the People? Citizens' Assemblies in the UK and Ireland](#) (25 April), and at the Edinburgh Futures Institute Summer School (24 June) about the Assembly.

Alan Renwick co-authored a letter to the [Times](#) arguing for the continuing independence of the Electoral Commission (22 April). He later authored a separate letter to the [Times](#) in the run up to the local elections which warned against the idea of using local elections to gauge the popularity of the Prime Minister (24 April).

Meg Russell spoke about the role of MPs when the Prime Minister misleads parliament on [Times Radio](#) (14 April), [Radio Scotland](#), BBC World and BBC News (all 19 April) and wrote a letter to the [Times](#) on the same subject (14 April). Robert Hazell was quoted by [News International](#) on the role of Conservative MPs in supporting the Prime Minister (14 April).

Meg Russell appeared on the [New Statesman podcast](#) to discuss the health of democracy in the UK. Following the unsuccessful vote of no confidence in Boris Johnson as Conservative leader, she also spoke to [Sky News](#) (8 June).

Meg Russell was quoted in the [House](#) about whether the House of Lords is now a 'House of opposition' (29 May).

A [UK in a Changing Europe](#) blogpost written by Meg Russell and Lisa James on plans which would later become the Northern Ireland Protocol Bill was cited on [Express.co.uk](#) (16 May).

Bob Morris was quoted by the [Press Association](#) about the state opening of parliament (9 May). Robert Hazell spoke to [LBC](#) about the Regency Acts (10 May). Robert also spoke to the [Associated Press](#) and appeared on Sky News, ITV News and BBC News to discuss the same issue (all 10 May).

Robert Hazell and Bob Morris spoke to many media outlets about the Queen's Platinum Jubilee, including Robert to [France 24](#) and [Agence France Press](#) (both 31 May) and [La Razón](#) and [Beijing News](#) (both 5 June), and Bob to [L'Opinion](#) (30 May) and [Globe and Mail](#) (2 June).

Robert was also featured in an ARTE/ZDF documentary, [The Royal Couples: The New Generation](#), and was quoted in a [Wall Street Journal](#) article about Prince Charles and the need for the next monarch to remain politically neutral (28 May).

Robert Hazell was quoted in the [List](#) in an article about the role of the monarchy should Scotland become an independent nation (30 June).

Ahead of Northern Ireland's Assembly elections, data from the Unit's [Working Group on Unification Referendums on the Island of Ireland](#) was used in a [Times](#) article about Sinn Féin (1 May). Following the party's electoral success (see page 15), an article in the [Guardian](#) referenced the report of the Working Group and Alan Whysall's 2019 [border poll report](#) (8 May). Alan Renwick wrote a letter to the [Sunday Times](#) (8 May) on Northern Ireland's power-sharing arrangements. Conor Kelly was quoted in the [House](#) about the political stalemate in Northern Ireland (16 May).

Tom Fleming co-authored a [blogpost](#) about the Constitution, Democracy and Rights Commission, which was later referenced by legal commentator Joshua Rozenberg in his newsletter [A Lawyer Writes](#) (12 April).

A [Unit blogpost](#) about the legal arguments for and against the legitimacy of a second Scottish independence referendum was quoted by [politics.co.uk](#) (28 June), the [Telegraph](#) (22 June), the [Times](#) (21 June) and the [National](#) (28 June).

Remarks made at the Constitution Unit's annual conference by Laura McAllister and Sarah Sackman on the future of the Union were referenced in [Nation Cymru](#) (26 June).

Meg Russell was quoted on [BBC News](#) about the prospect of a snap general election (7 July).

Meg Russell discussed the need to restore the role of integrity and propriety in politics and the Conservative leadership contest on [Times Radio](#) (21 July). She also co-authored a letter to the [Times](#) with Alan Renwick on the same subject (21 July).

Meg Russell was featured in a [Times Radio](#) segment on House of Lords appointments (24 July).

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## Committee appearances

Meg Russell gave evidence to the Scottish Parliament's Standards, Procedures and Public Appointments Committee on the options for continued 'hybrid' arrangements ([28 April](#)).

## Unit publications

Meg Russell, 'Government-Parliament Relations' in [Constitution and Governance in the UK](#) (UK in a Changing Europe, March).

Alan Renwick, 'The Rules of Elections' in [Constitution and Governance in the UK](#) (UK in a Changing Europe, March).

Lisa James, 'Public appointments' in [Constitution and Governance in the UK](#) (UK in a Changing Europe, March).

Alan Renwick, Kaela Scott, Meg Russell, James Cleaver and Frances Osborne, [Report of the Citizens' Assembly on Democracy in the UK](#) (Constitution Unit, April).

Petra Schleiter and Tom Fleming, '[Radical Departure or Opportunity Not Taken? The Johnson Government's Constitution, Democracy and Rights Commission](#)' (*British Politics*, March).

Alan Whysall, [Northern Ireland's Political Future: Challenges After the Assembly Elections](#), (Constitution Unit, April).

Tom Fleming and Lisa James, '[Parliamentary Influence on Brexit Legislation, 2017–2019](#)' (*Parliamentary Affairs*, June).

Robert Hazell, Marcial Boo and Zachariah Pullar, [Parliament's Watchdogs: Independence and Accountability of Five Constitutional Regulators](#) (Constitution Unit, July).

## Publications to note

The Hansard Society, [Compendium of Legislative Standards for Delegating Powers in Primary Legislation](#) (Hansard Society, April).

Stephen Tierney, [The Federal Contract: a Constitutional Theory of Federalism](#) (Oxford University Press, June).

Chris Monaghan, [Accountability, Impeachment and the Constitution](#) (Routledge, May).

## Contributors to Monitor 81

Sophie Andrews-McCarroll, Coree Brown Swan, Dave Busfield-Birch, Andrea Dalling, Tom Fleming, Robert Hazell, Lisa James, Conor J. Kelly, Arabella Lang, Alexandra Meakin, Luke Nicholas, Alan Renwick, Meg Russell, Mark Sandford, Saba Shakil, Jack Sheldon, Joe Tomlinson and Alan Whysall.

The issue was edited by Dave Busfield-Birch. Administrative support was provided by Rachel Cronkshaw.

## New Constitution Unit reports

Click on the images to view each report.

A full list of Unit [reports](#) and [projects](#) is available on the Unit website.

